

### REMARKS

The applicant respectfully request reconsideration in view of the amendment and the following remarks. Support for newly added claim 17 can be found in the original claim 3 and in claim 1 and in the specification on page 11, lines 4 - 14.

Applicant believes this election should not limit the applicant to catalysts comprising only two elements for further prosecution. Therefore, new claim 17 is added, covering the preferred subgroup of elements: Pd, Pt, Rh, Ir, Cu, Ag, Au, Cr, Mo, W, Co and Ni. However, if the Examiner is still insisting on a single disclosed species the applicant elects the species in example 3 covering a catalyst comprising Re and Rh as the one further element (catalyst 2)

Applicants respectfully traverse the Restriction requirement because the U.S. Patent and Trademark Office has not carried forward its burden of proof to establish distinctness.

In particular, MPEP § 803 states:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

The claims of the present invention would appear to be part of an overlapping search area. Accordingly, Applicants respectfully traverse the outstanding Election requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner.

The applicant believes that at least the catalyst in claim 17 should be searched.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 12810-00338-US from which the undersigned is authorized to draw.

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Respectfully submitted,  
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